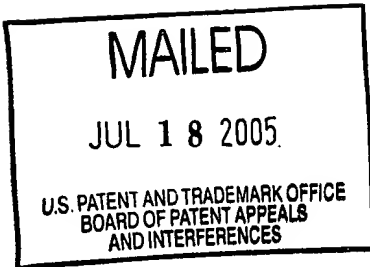


UNITED STATES PATENT AND TRADEMARK OFFICE



BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte KENICHI OTANI et al.

Application No. 09/868,040

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was received at the Board of Patent Appeals and Interferences on June 21, 2005. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matters requiring attention prior to docketing are identified below.

According to page 2 of the Examiner's Answer mailed November 27, 2004, "[t]he copy of the appealed claims contained in the Appendix to the brief is correct." However, it is noted that the language of claim 11 in the Appendix differs from its last amended version.

Application 09/868,040

Accordingly, it is

ORDERED that the application is returned to the
examiner:

1. to issue a supplemental Examiner's Answer which
contains a correct copy of claim 11, or to notify appellants to
submit a new Appendix to the Appeal Brief which contains the
corrected claim; and

2. for such further action as may be appropriate.

BOARD OF PATENT APPEALS
AND INTERFERENCES

By: 

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DMS:psb

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